erty taken may, in the absence of any evidence of damage by usage or deterioration, be assessed as damages and collected by the successful party in the original suit. *Nitz* v. *Bolton,* 71 Mich. 388; *Cox* v. *Burdett,* 23 Pa. Super. Ct. 346. But in so far as such damages are assessable they must be claimed on the original suit. The successful defendant cannot be permitted to elect as to when he will have them assessed. *Stevens* v. *Tuite,* 104 Mass. 329, 336; *Washington Ice Co.* v. *Webster,* 62 Me. 341, 16 Am. Rep. 462. Where the property, if it could have been returned, was converted, then interest on its value from the rendition of the judgment of return is assessable. *Walls* v. *Johnson,* 16 Ind. 374.

DAMAGES—WHAT MAY BE CONSIDERED IN MITIGATION IN ACTION FOR LIBEL.—The defendant printed in its newspaper a rather comprehensive account of an unfortunate love affair between the plaintiff's intestate, a young hospital nurse, and a married man whom she had as a patient. The assertions set forth in the account were partly true and partly false, but the conduct of the intestate had been such as to lead one to suspect the truth of the whole of the alleged libelous charge. *Held,* that the jury had a right to take into account the truth of the various portions of the alleged libel and also the provocating conduct of the plaintiff's intestate in mitigation of damages. *Gressman* v. *Morning Journal Ass'n* (1910), — N. Y. —, 90 N. E. 1131.

"In an action for defamation two classes of facts are pleadable and provable in mitigation of damages: (1) Such as impeach the character of the plaintiff; (2) such as tend to negative the malicious motive of the defendant." 25 CYC. 417. Evidence offered in support of a plea of justification may be considered in mitigation of damages even though insufficient to sustain the plea. *Thomas* v. *Dunaway,* 30 Ill. 373; *Sibley* v. *Marsh,* 7 Pick. 38; *Bisbey* v. *Shaw,* 12 N. Y. 67; *Wilson* v. *Apple,* 3 Ohio 270. Otherwise the cardinal rule of damages, that the compensation should be exactly commensurate with the injury, would be abrogated. *Allison* v. *Chandler,* 11 Mich. 542. And where there is a reasonable excuse for the defendant, arising out of provocation or conduct of the plaintiff, although not sufficient to amount to a justification, not only can there be no exemplary damages, but the circumstances must be considered by way of mitigation. *Robison* v. *Rupert,* 23 Pa. 523; *Kiff* v. *Youmans,* 86 N. Y. 324, 330, 40 Am. Rep. 543.

DEEDS—DELIVERY—GRANTEE'S NAME BLANK.—Plaintiff, being the owner of the lot in question, exchanged it with one Pope, and delivered to him a deed, in blank as to the name of the grantee. Pope traded the lot to Odett, delivering to him the same deed, with the grantee's name still in blank. Odett subsequently traded the lot to the defendant, and delivered to him the same deed, inserting the defendant's name as grantee in the blank space. In an action by plaintiff to quiet title, *held,* that the deed was effectual to vest title in any person, whose name should thereafter be inserted in the blank by the person receiving it, or by any subsequent holder. *Augustine* v. *Schmitz* (1910), —— Ia. —, 124 N. W. 607.

A deed with the name of the grantee left blank, although complete in